

Grand Junction, Colorado

September 5, 1962

### ROLL CALL

The City Council of the City of Grand Junction, Colorado, met in regular session at 7:30 p.m. September 5, 1962. Councilmen present and answering roll call were Meacham, Love, Colescott, Lowe, Wright and President McCormick. Councilman Hadden was absent. Also present were City Manager Lacy, City Attorney Ashby and City Clerk Tomlinson.

### INVOCATION

The invocation was given by Bishop Floyd Larson, Church of Jesus Christ of Latter-Day Saints.

MINUTES It was moved by Councilman Colescott and seconded by Councilman Lowe that the minutes of the regular meeting held August 15, 1962 be approved as written. Motion carried. (6 voted AYE)

### 3.2 BEER APPRVD

E.D. & Mary B. Erickson, dba Southside Grocery, 832 S. 7th St.

This date had been advertised for hearing on the application of Eugene D. and Mary B. Erickson dba Southside Grocery, 832 S. 7th for 3.2 beer license. A report from Chief of Police Karl Johnson was read which stated that they were eligible for a license. It was moved by Councilman Meacham and seconded by Councilman Love that the application be approved and license granted when state license has been received. Motion carried. (6 voted AYE)

### WATER BILL ADJUSTMENT

W.R. McKelvy, Orchard Mesa - tabled

When meter readers read the meter at the property owned by Mr. Wm. McKelvy on Orchard Mesa, they discovered an excessive amount of water was going through the meter. They tried to contact M. McKelvy but he was not at home. So there would be no damage to appliances, the meter readers did not discontinue the water service. Mr. McKelvy had requested an adjustment in his water bill as it was approximately \$60 higher than usual because of the service line leak. Mr. McKelvy had expected to be present to speak in behalf of his request, but as he was not present at this time, it was moved by Councilman Colescott and seconded by Councilman Lowe that this matter be tabled until later in the meeting should Mr. McKelvy appear. Motion carried. (6 voted AYE)

### HEARING

1963 Budget

This was the evening set for hearing remarks from the public on their wishes for the 1963 budget appropriations and projects.

Messrs. M. A. Cornelison, Marvin Daniels, B. A. Kellogg, John Burkey, Al Cox, Don Sparn, Elmer Nelson, Harold Lekic, Mrs. Marian Vogel and other members of the Grand Junction Chamber of Commerce Tourist Convention and Publicity Committee were present requesting financial assistance to promote "Tourism" for Grand Junction. They are asking for funds from the Chamber of Commerce, City of Grand Junction, Mesa County. Motel Association, City of Montrose, City of Glenwood Springs, Town of Rifle and other towns on the Western Slope in order to put on four shows in key areas similar to the one that was put on in Los Angeles in 1962. It was brought out during the discussion, the tourist industry is one of the largest that could bring in money to Grand Junction, and it is an industry that benefits all of the merchants in the City. At the present time, the City of Grand Junction is not getting its share of the tourist trade going through the junction of highways 40 and 24 and publicity should be given to acquaint tourists with the attractions

available in Grand Junction and in Western Colorado.

Several members of the Council stated that at this stage in preparing the 1963 Budget, it is hard to tell whether the City will be able to participate in this program or not. It is expected that the assessed valuation of the City of Grand Junction will be less than it has been for the past few years and there will also be a reduction in the State Highway gas funds.

Councilman Colescott asked what kind of response the Committee has received from other groups, and he was told that the County Commissioners had stated that they did not know whether they could participate without an increase in the mill levy until they had progressed further in the preparation of their budget.

The Council promised to consider the Committee's request and asked what the reaction of the businessmen would be if it becomes necessary to increase the mill levy in order to provide funds for the project. Mr. Cornelison stated that he thought it would be the general opinion of the merchants that it would not be out of line to raise the mill levy if necessary so that this project can go forward.

#### REQUEST TO INCLUDE SPRAYING OF ELM TREES ON PRIVATE PROPERTY

City Manager Lacy read a letter from Mrs. F. A. Brumbaugh asking that the City take over the spraying of elm trees on private property. Mr. Lacy stated that he had talked to Mr. Stocker, Park Superintendent, about this matter and that they had contacted other cities where apparently this plan was working satisfactorily and they had also contacted local owners of spray equipment. There is not enough equipment in the valley to take care of such a project in the time in which a number of spray applications would be necessary. It would be very expensive to rent equipment from Denver or Salt Lake. An estimated budget of some \$4,000 to \$12,000 yearly would be necessary in order to do a satisfactory spraying job.

#### RECREATION

Lease Westside Rec Bldg to A.C.E. for 2 yrs @ \$1 yr

The Associated Childhood Education, Mrs. Martha Wallace, Secretary, asked the City Council for permission to lease the property on West Street, which has been used as a recreation center in past years, so that they can continue their kindergarten for underprivileged children. The City has been paying for the utilities the past year but if A.C.E. could lease the building for a nominal fee, they felt that they could take care of the utility charges.

It was moved by Councilman Wright and seconded by Councilman Meacham that the City Attorney be instructed to draw up a lease and the City Manager to sign same for a period of two years for the valuable consideration of one dollar per year and providing that A.C.E. maintain the building and pay the utilities. A provision of the lease would be that the City would pay the fire and liability insurance as it has been doing in the past. Roll call called on the motion with all members of the Council present voting AYE. The President declared the motion carried. (6 voted AYE)

#### REV. PMT. GRANTED

Manuel's Dept. Store, NE cor 6th & Main, Use 9 1/2' under West & South Sidewalks

Manuel's Department Store had presented a request to the Planning Commission asking that they be granted a revocable permit to allow the extension of their basement area under the sidewalks on the south and west sides of the store. The Planning Commission approved the application with the provision that the City Engineer approve the location of the outside walls and all of the construction would have to be coordinated to tie in with Operation Foresight construction.

The following Resolution was presented and read:

#### RESOLUTION

WHEREAS, H. B. MANUEL and MARY E. MANUEL have petitioned the City Council of the City of Grand Junction,

Colorado, for a revocable permit to permit them to extend the basement area of the building located on Lots 28, 29 and 30 in Block 105, City of Grand Junction, Mesa County, Colorado, to provide storage area, such extension to be under the sidewalk area under the City's right of way on the South and West of the building to a distance of 9 1/2 feet to the outside of the outside wall of such construction, and

WHEREAS, such action has been approved by the City Engineer in accordance with plans therefor submitted, and such would not be detrimental to the inhabitants of the City,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the City Manager, on behalf of the City and as the act of the City, be, and he is hereby, authorized to grant a revocable permit to H. B. Manuel and Mary E. Manuel for the purpose above described, subject to the usual restrictions contained in such permits and with construction in accordance with the plans submitted to be attached to such permit.

PASSED and ADOPTED this 5th day of Sept., 1962

\_\_\_\_\_  
President of the Council

ATTEST:

\_\_\_\_\_  
City Clerk

The Holder Engineering Company and Mr. Jerry Fossenier, City Engineer, had drawn up specifications that would become a part of the Revocable Permit. Councilman Wright remarked that this has been done in several places in the City and is a very prevalent practice in other cities. It was moved by Councilman Wright and seconded by Councilman Colescott that the Resolution be passed and adopted as read and that the specifications for the safety of the construction be made a part of the permit. Roll was called on the motion with all members of the Council present voting AYE. The President declared the motion carried. (6 voted AYE)

REVOCABLE PERMIT

WHEREAS, H. B. MANUEL and MARY E. MANUEL have petitioned the City Council of the City of Grand Junction for a revocable permit to permit them to extend the basement area of the building located on Lots 28, 29 and 30 in Block 105, City of Grand Junction, Mesa County, Colorado, to provide storage area, such extension to be under the sidewalk area under the City's right of way o the South and West of the building to a distance of nine and one half feet to the outside of the outside wall of such construction; and

WHEREAS, the City Engineer has approved such action and the specifications for such construction, such specifications being attached hereto and made a part hereof by reference, and the City Council is of the opinion that such extension would not be detrimental to the city or to any of the inhabitants thereof and has directed the City Manager to issue a permit for such purpose;

NOW THEREFORE, IN ACCORDANCE WITH THE ACTION OF THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

There is hereby granted to H. B. Manuel and Mary E. Manuel a revocable permit for the use and purpose above stated; provided, however, that said permit may be revoked by the City Council at its pleasure at any time; provided further that the above-named individuals shall agree to indemnify the City and save it harmless from any and all claims, damages, actions, costs and expenses of every kind in any manner arising out of, or resulting from, the construction of or the

permitted use herein granted; and provided further that all construction will be performed in accordance with the specifications hereto attached; and provided further that the permittees shall agree to pay those costs or expenses necessary to the restoration of the property upon revocation of the permit.

Dated this 5th day of September, 1962. (Recorded at 7pm on 9/10/62, Reception No. 823704, Bk 831, Pg 275.)

\_\_\_\_\_  
J. M. Lacy, City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

State of Colorado	)	
	)	ss.
County of Mesa	)	

The foregoing instrument was acknowledged before me this 6th day of September, 1962, by J. M. Lacy as City Manager and Helen C. Tomlinson as City Clerk of the City of Grand Junction, a municipal corporation.

Witness my hand and official seal.

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(Signed) Donald H. Warner, Jr. Notary Public

SEAL

My commission expires: April 1, 1963

We, for ourselves, or heirs, administrators, executors and assigns, agree that we will abide by the conditions contained in the above permit and that we will indemnify the City and hold it harmless from all claims as recited in the foregoing revocable permit.

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\_\_\_\_\_

State of Colorado	)	
	)	ss.
County of Mesa	)	

The foregoing was acknowledged before this \_\_\_\_\_ day of September, 1962, by H. B. Manuel and Mary E. Manuel.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Engineering Department  
City of Grand Junction  
September 5, 1962

**SPECIFICATIONS AND CONDITIONS  
FOR CONSTRUCTION OF STORAGE AREA IN STREET RIGHT-OF-WAY  
ADJACENT TO LOTS 28, 29 AND 30, BLOCK 105, CITY OF GRAND JUNCTION  
(Manuels Department Store)**

- (a) Design to be made by qualified engineer or architect registered in the State of Colorado who shall certify to the structural requirements as stipulated further herein.
- (b) Construction to be completed by qualified contractor properly licensed and bonded with the City of Grand Junction.
- (c) Dimensions and location of structure to be as indicated such that the outside of the outside wall shall extend into the street right-of-way no further than 9 1/2 feet.
- (d) Structure shall be made watertight by approved coating on outside of walls.
- (e) Structure shall be constructed so as to support a liveload of 350 pounds per sq. ft. plus the weight of the sidewalk, three and one-half inches thick to be constructed on top of the ceiling of the structure.
- (f) Subgrade shall be prepared and compacted to at least 90 per cent of density determined by the Proctor Method Modified (A.A.S.H.O. designation T-180-57) unless otherwise stipulated by the City Engineer after inspection of the subgrade.
- (g) Backfill along walls shall be of select material such as river run gravel to be approved by the City Engineer and

compacted throughout to a density of 95 per cent of that determined by the Proctor Method Modified (A.A.S.H.O., T-180-57).

(h) All construction including backfill and clean up shall be completed before September 24, 1962, when the contractor for Grand Junction Street Improvement District No. 59 proposes to enter this area.

(i) All construction shall comply with the requirements of "City of Grand Junction, Colorado, General Conditions, Specifications and Details for Street Improvement Projects, 1962" unless modified in the specifications shown on the design as certified by the Structural Engineer and approved by the City Engineer.

(j) City shall be saved harmless from all repercussions due to above construction.

(k) All adjustments necessary in utility service lines must be made at the request and expense of the property owner.

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(Signed) Jerome P. Fossenier\City Engineer

#### REVOCABLE PERMITS

to be recorded

City Attorney Ashby stated that he thought it was a good idea, although it had never been done before, to have revocable permits acknowledged as we do any documents that we record, and the permit be recorded. In the recorded permit, it sets out the various conditions of the permit and the rights that they have. Among them is the "save and hold harmless clause." Now he will add specifically, and to all permits because of problems in the past, that upon any revocation of permit or relinquishment of permits, that permittees will restore the place to its original condition. that has been implied in other permits, but never stated specifically. Then, as is true in all permits, this expression exists, "We agree that we will abide by the conditions contained in the above permit and that we will indemnify the City and hold it harmless from all claims as recited in the foregoing revocable permit." It will then be signed by any permittee and will be acknowledged and then recorded. He has added "for ourselves, our heirs, administrators, executors and assigns." When recorded, anyone who purchases the property will have notice as to how that particular portion of the property is held.

#### REV. PMT TABLED

To barricade N/S alley bet Belford & North, 7th to 8th

Mr. Hugh Pinger and Dr. Leigh R. Sullivan had requested permission from the Planning Commission to vacate the portion of the N/S alley from the E/W alley south to Belford Avenue, which is between the properties of 722 and 732 Belford Avenue. They felt the alley was very dangerous. The Planning Commission recommended that a revocable permit for barricading the alley be granted instead of vacation. Other property owners in the area presented a signed petition protesting the closing of the alley stating that closing this portion of the N/S alley would create additional traffic in the E/W alley and would cause a hardship on the businesses located on North Avenue. Messrs. Roy Traynor, Gaylord Kirkham and John Koiter appeared in support of their petition in opposition to the barricading of the alley. After some discussion on the matter, it was moved by Councilman Wright and seconded by Councilman Love that this matter be tabled until the Councilmen can look the situation over and that it be discussed at the next Council meeting. Motion carried. (6 voted AYE)

#### BONDS APPROVED

It was moved by Councilman Lowe and seconded by Councilman Wright that the following bonds, being on the approved forms, be approved and filed:

Agustin B. Reyes, dba Aggies, 426 Noland Ave., for Second Hand Dealer

David Weisz Co., 840 S. Julian St., Los Angeles, Calif. for Auctioneer

Motion carried. (6 voted AYE)

#### ORD. 1163 PASSED

Restrictions as to Minors frequenting Bar-rooms and Pool Halls

The Proof of Publication to the following entitled proposed ordinance was presented and read: AN ORDINANCE AMENDING SECTION 1 OF CHAPTER 36 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO, TO CLARIFY THE RESTRICTIONS AS TO MINORS FREQUENTING BAR-ROOMS AND POOL HALLS. It was moved by Councilman Colescott and seconded by Councilman Wright that the Proof of Publication be accepted and filed. Motion carried. (6 voted AYE)

It was moved by Councilman Lowe and seconded by Councilman Wright that the ordinance be called up for final passage. Motion carried. (6 voted AYE)

The ordinance was then read, and it was moved by Councilman Wright and seconded by Councilman Lowe that the ordinance be passed and adopted, numbered 1163 and ordered published. Roll was called on the motion with all members of the Council present voting AYE. The President declared the motion carried. (6 voted AYE)

#### ODOR FROM SEWAGE PLT

Mr. Gaylord Kirkham, 621 North 2nd Street, asked the Council if there were any plans at the present time to correct the operation of the westside sewage disposal plant to take care of the odor coming from the plant. In the last few weeks it has been very offensive. City Attorney Ashby told Mr. Kirkham that another analysis on the operation of the plant is being made at the present time. It was believed that this could be an odor coming from some place besides the sewer plant as at this time of the year there are a number of factors causing bad odors. Mr. Kirkham was assured that everything was being done that possibly could be done to find out why there are bad odors coming at various times from the disposal plant.

#### D&RGW RAILROAD

Replies received to letters

Pres. McCormick reported that he had received acknowledgments from his letters to Congressman Aspinall and U. S. Senators regarding the railroad situation and thanking the Council for its interest in the matter.

#### UNITED NATIONS DAY

Pres of Council to use own discretion about proclamation

Pres. McCormick asked about the Council's opinion on the publication on the usual proclamation on United Nations Day. There is no budget for publication of proclamations and this matter was left to Pres. McCormick's discretion.

#### ADJOURNMENT

It was moved by Councilman Lowe and seconded by Councilman Meacham that the meeting adjourn. Motion carried.

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Helen C. Tomlinson\City Clerk